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September 25, 2019

Via ECF

Honorable Mark Falk, U.S.M.J.
United States Post Office and Courthouse
1 Federal Square
Newark, NJ 07102

Re: ***Hale v. Creditors Relief LLC, 2:17-cv-02447-JMV-MF***

Dear Judge Falk:

I represent Defendant Creditors Relief LLC in the above-captioned action. During the second status conference call with the Court this afternoon, I was dropped from the call, and unable to reconnect. I understand from Plaintiff's counsel that the call continued for a few minutes after I was dropped from the line.

At the time my connection was lost, it was suggested by Your Honor that the parties arrange to attend an in-person status conference with the Court to discuss the case. I believe that is a good suggestion, and stand ready to attend at the Court's convenience. Also, right before I was dropped, there appeared to be some confusion around Defendant's pending motion.

On August 9, 2019, Defendant filed a Motion to Deny Class Certification based, in part, on discovery materials demonstrating that Defendant does not use an auto-dialer as defined by the Telephone Consumer Protection Act ("TCPA"), and therefore has not violated the TCPA on an individual or class basis. In response to Defendant's Motion, Plaintiff asked for additional time to respond, which Defendant consented to, and a briefing schedule was set by Judge Vazquez. That briefing schedule requires Plaintiff to respond to Defendant's Motion on or before October 7, 2019. The Motion was administratively terminated by Judge Vazquez, but only until Plaintiff's opposition was filed on or before October 7.

Defendant maintains that it is critical for its Motion to be fully briefed and decided without unnecessary delay. The undisputed evidence demonstrates that Defendant does not use an auto-dialer and, consequently, has not violated the TCPA. Litigating this case for another two years will not change that basic fact.

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We thank Your Honor for his time, and stand ready to attend an in-person conference when scheduled by the Court.

Respectfully submitted,

/s/ Lee Vartan

Lee Vartan